

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

JOHNSON & JOHNSON	:	
HEALTH CARE SYSTEMS INC.,	:	Civil Action No. 22-2632(JKS)(CLW)
	:	
Plaintiff,	:	Hon. Jamel K. Semper, U.S.D.J.
	:	Hon. Cathy L. Waldor, U.S.M.J.
v.	:	Hon. Freda L. Wolfson, Special Master

SAVE ON SP, LLC, EXPRESS  
SCRIPTS, INC., AND ACCREDO  
HEALTH GROUP, INC.,

**ORDER GRANTING  
MOTION TO SEAL**

Defendants.

**THIS MATTER** having been brought to the Court, referred to the undersigned Special Master, upon the motion to seal (EFC No. 527) of Plaintiff Johnson & Johnson Health Care Systems Inc. (“JJHCS”), by and through its attorneys, seeking an order (a) permanently maintaining under seal the letters and supporting exhibits filed by the parties in connection with the Motion of Defendant Save On SP, LLC (“SaveOnSP”) to Compel JJHCS to run search terms of non-JJHCS custodians, dated December 12, 2024, with related briefing dated January 14 and January 28, 2025 (ECF Nos. 474, 493 & 503), filed December 16, 2024, January 16, and January 30, 2025 (the “Non-JJHCS Motion”); and (b) permitting JJHCS to file the proposed public versions of ECF Nos. 474, 493 & 503, attached as Exhibits A, B, and C to the Declaration of Jeffrey J. Greenbaum submitted in support of this

motion; and the Special Master having considered the motion, and no objections have been made, makes the following findings of fact and conclusions of law, pursuant to L. Civ. R. 5.3(c)(6):

- (1) The Non-JJHCS Motion contains material that is non-public business, trade secret or proprietary information relating to the administration of the CarePath program, competitively sensitive information related to JJHCS's deliberative process, and JJHCS's confidential information (collectively, the "Confidential Materials").
- (2) The Confidential Materials contain JJHCS's highly sensitive, proprietary business information that is not known to the general public.
- (3) The parties safeguarded and protected the confidentiality of the Confidential Materials, including throughout the pendency of this action.
- (4) JJHCS would suffer substantial and specific harm, including potential financial damage and disclosure of competitive business information through the divulgence of such confidential information and that JJHCS has a strong and legitimate interest in protecting this confidential information from being disclosed to the public. *See Goldenberg v. Indel, Inc.*, No. 09-5202 (JBS/AMD), 2012 U.S. Dist. LEXIS 479, at \*8 (D.N.J. Jan. 3, 2012) ("Courts have recognized that the confidentiality of business agreements, trade secrets or commercial information are a legitimate

private interest and the disclosure of this information can be used for the improper purpose of causing harm to the litigant's competitive standing in the marketplace.”); *Bracco Diagnostics, Inc. v. Amersham Health, Inc.*, Civil Action No. 036025 (FLW), 2007 U.S. Dist. LEXIS 51828, at \*27–28 (D.N.J. July 18, 2007) (granting motion to seal where release of confidential commercial information to the public would cause “clearly defined and serious injury” resulting in a party’s “competitive disadvantage”).

- (5) No less restrictive alternative to sealing exists and that JJHCS has proposed redactions where appropriate to minimize the amount of sealing necessary.

**ACCORDINGLY**, for these reasons, good cause exists for protecting the JJHCS Confidential Materials pursuant to Fed. R. Civ. P. 26(c)(1)(G) and L. Civ. R. 5.3(c)(2),

**IT IS** on this 11th day of March, 2025,

**ORDERED** that, pursuant to L. Civ. R. 5.3, the Confidential Materials are confidential and entitled to protection; and it is further

**ORDERED** that the motion to seal (EFC No. 527) is **GRANTED** and the Non-JJHCS Motion is hereby permanently **SEALED**; and it is further

**ORDERED** that the Clerk of Court shall maintain the unredacted versions of

ECF Nos. 474, 493 & 503 under seal; and it is further

**ORDERED** that the parties are directed to file the redacted versions of the Non JJHCS Motion, including all exhibits, consistent with the proposed redactions submitted herewith.

/s/ Freda L. Wolfson

Freda L. Wolfson

Special Master